

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

JOHN D. HAYWOOD,

Plaintiff,

vs.

C/O TUBBS, et al.,

Defendants.

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Case No. 3:18-cv-00526-SMY

ORDER DISMISSING CASE

YANDLE, District Judge:

Plaintiff John D. Haywood passed away on March 28, 2021. (Doc. 84). Pursuant to Federal Rule of Civil Procedure 25(a), the Court entered an Order on April 12, 2021 noting the death and directing a successor or representative of Plaintiff's estate to file a motion for substitution of parties within ninety days or the action would be dismissed with prejudice. (*Id.*). The Court also directed Plaintiff's appointed counsel to send a copy of the Order to Mr. Haywood's next of kin. (*Id.*).

On July 21, 2021, the Court issued an Order to Show Cause because no successor or representative of Plaintiff's estate had filed a motion for substitution of parties, and the deadline for doing so had passed. (Doc. 85). In response, Plaintiff's Counsel provided the Court with proof that the Suggestion of Death was personally served on Plaintiff's next of kin notifying them of their ability to take over this litigation as a successor or representative of Plaintiff and offering to assist with preparing a motion for substitution. (Doc. 86). Counsel advises the Court that no individual expressed a desire to take over the litigation, he is unaware of any administrator of Mr. Haywood's estate, and he is unaware of any cause as to why this case should not be dismissed with prejudice. (*Id.*).

ACCORDINGLY, pursuant to Rule 25(a), this case is **DISMISSED** with prejudice.
The Clerk of Court is **DIRECTED** to close this case and enter judgment accordingly.

IT IS SO ORDERED.

DATED: August 5, 2021

s/ Staci M. Yandle
STACI M. YANDLE
United States District Judge